HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NOS. 5734 OF 1998 AND 21574 OF 1998

DATE: 15.03.2007

W.P.NO. 5734 OF 1998

Between:

Challa Ankaiah, S/o Chenchaiah and thirty others

…Petitioners

AND

1. Guntur Municipal Corporation, rep by its Commissioner.

….Respondent

W.P.NO. 21754 OF 1998

Between:

Kommineni Sambasiva Rao and 55 others

…Petitioners

AND

Guntur Municipal Corporation, rep by its Commissioner and one another.

….Respondents

HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NOS. 5734 AND 21574 OF 1998

COMMON ORDER:

The question raised in these Writ Petitions i.e., whether the trade licence is necessary for doing business in retail sale of liquor, has been considered by this Court in detail in Y. VENKATESWAR RAO VS. PROHIBITION AND EXCISE

SUPERINTENDENT, KHAMMAM[1], and it was held that as the Municipalities Act and the Municipal Corporation Act do not confer any specific power on the Municipalities/Corporations to impose any tax or fees on the liquor trade, it is impermissible for these local bodies to levy any fees in the name of trade licence fee, which they are not specifically authorized by the statute.

2. The learned counsel appearing for the respondent does not dispute the fact that both the Writ Petitions are covered by the above decision.

3. Accordingly, the impugned demand notices are set aside and the Writ Petitions are allowed. No order as to costs.

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G. ROHINI, J

Date: 15.03.2007
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[1] 2006 (1) ALD 445